

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|-------------------------------------|---|-------------------------|
| In re CONSTAR INT'L INC. SECURITIES | : | Master File No. 03-5020 |
| LITIGATION | : | |
| | : | Class Action |
| This Document Relates To: | : | |
| ALL ACTIONS | : | |

ORDER - MEMORANDUM

AND NOW, this 7th day of June, 2005, upon argument, the threshold motions of the Constar defendants and the Underwriter defendants¹ are denied. Fed. R. Civ. P. 12(b)(6).² Viewing the law and the facts most favorably to the plaintiffs, it cannot be said with certainty that no relief could be granted under any set of facts or circumstances consistent with plaintiffs' allegations.

BY THE COURT:

s/ Edmund V. Ludwig
Edmund V. Ludwig, J.

¹ The Constar defendants are Constar International, Inc., Crown Cork & Seal Company, Inc., Charles F. Casey, William G. Little, Michael J. Hoffman, James C. Cook, Alan W. Rutherford, John W. Conway, Angus F. Smith and Frank J. Mechura. The Underwriter defendants are Salomon Smith Barney, Inc., Citigroup, Deutsche Bank Securities, Inc., JP Morgan Securities, Inc., and Lazard Freres & Co., LLC.

² In considering a motion to dismiss under Rule 12(b)(6), the district court must "accept as true the factual allegations in the complaint and all reasonable inferences that can be drawn therefrom. [A dismissal will be affirmed] only if no relief can be granted under any set of facts the plaintiff could prove." Policastro v. Kontogiannis, 2005 WL 1005131, at *1 (3d Cir., Jan. 12, 2005) (citations omitted).